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STATE OF MONTANA

TWELFTH REPORT

of the

STATE FORESTER

For the Period July 1, 1938 to June 30, 1940

Including also the

FIRST REPORTS

of the

Montana State Board of Forestry

and the

Montana State Park Commission

To

HONORABLE S. C. FORD

Governor

Montana State Library



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HONORABLE S. C. FORD

Governor

LETTER OF TRANSMITTAL

Forestry Building
State University
Missoula, Montana
January 2, 1941

Honorable S. C. Ford
Governor of Montana
Helena, Montana

Dear Governor:

In compliance with the provisions of the State law, there is transmitted herewith the Twelfth Biennium Report of the State Forester, for the period ending June 30, 1940, including, also, the first reports of the Montana State Board of Forestry and the Montana State Park Commission.

Very respectfully yours,

RUTLEDGE PARKER,
State Forester.

REPORT OF THE STATE FORESTER

Members of State Board of Land Commissioners:

S. C. Ford, Governor; John W. Bonner, Attorney General; Samuel W. Mitchell, Secretary of State; Elizabeth Ireland, Superintendent of Public Instruction.

Rutledge Parker, State Forester

The timber cut on State land during the fiscal years 1939 and 1940 is given by species in the following tables:

STATE TIMBER CUT FISCAL YEAR 1939
BY SPECIES

	Total Green	Yellow Pine	White Pine	Spruce	Fir & Larch	Cedar	Dead
13 Sale Contracts	15,303,190'	6,439,490'	84,870'		8,827,040'		62,920'
185 Permits	1,941,610'	749,130'		37,930'	1,154,550'	25,870'	1,233,020'
15 Trespass		6,000'					85,000'
327 Free Permits							1,655,500'
Totals:	17,244,800'	7,194,620'	84,870'	37,930'	9,981,590'	25,870'	3,035,440'

Total Xmas Trees—18,476

STATE TIMBER CUT FISCAL YEAR 1940
BY SPECIES

	Total Green	Yellow Pine	White Pine	Spruce	Fir & Larch & L. P.	Cedar	Dead
18 Sale Contracts	17,355,230'	6,797,310'	1,759,550'	35,360'	8,763,010'		50,860'
230 Timber Permits	3,329,340'	798,150'	178,200'	167,690'	2,166,920'	18,380'	
285 Free Permits							1,385,200'
Totals:	20,684,570'	7,595,460'	1,937,750'	203,050'	10,929,930'	18,380'	1,436,060'

Total Xmas Trees—76,120

This annual cut of approximately 20,000 M ft. is considerably below the peak years of 1923 to 1930, but it is slightly higher than the past twenty year average. The 1940 boom in lumber production did not begin until after July 1. From that date until December 1, eleven new sale contracts have been made comprising a total of 34,120 M ft. of yellow pine 17,980 M ft. of fir and larch with an estimated stumpage value of \$130,-945.00. This timber is now being cut at a monthly rate of approximately 4,500 M ft. and requires the services of six State scalers at a monthly salary of about \$800.00. If the present rate of cutting State timber continues through the balance of this fiscal year, the cost of scaling logs will considerably exceed the funds appropriated for this work. It is expected however, that most of the logging operations will be suspended for about

two months in the Spring on account of unfavorable road and ground conditions. Even with a two months' layoff, it will be difficult to finance the timber sale business until June 30, 1941.

No one can accurately forecast the duration of present peak production in the lumber industry, but there is a well founded belief that this business will keep pace with our National defense program and therefore may be expected to continue for a few years at its present maximum rate. In this case the State will be in a position to cash in on a large quantity of its over mature timber, provided adequate appropriations are made for this work.

Unless the State is in a position to assume the financial responsibility of supervising and scaling the timber to be cut, it should not enter into sale contracts.

Three logging operators have recently examined tracts of State timber containing over 20,000 M ft. and these operators have subsequently expressed a desire to have this timber advertised for sale early next Spring.

Land Rentals

Special use permits for grazing, residence and other minor uses have been issued on approximately 280,000 acres of State forest land at an average yearly rental of nearly $3\frac{1}{2}c$ per acre.

The balance of State forest land in Western Montana (about 200,000 acres) is not under any form of rental permit. In addition to the above 480,000 acres of State forest land, there is about 40,000 acres carrying a forest classification, mostly located east of the Continental Divide, which is under the leasing jurisdiction of the State Land Commissioner.

Most of the acreage under permit is for grazing and while this is gradually being increased, it is not expected that all of the forest lands will ever be of use for domestic stock.

The most remarkable increase in rentals has been from residence and summer home sites, which have more than doubled during the past five years. The following table gives the amount of special use business during the past two years:

Fiscal Year	Grazing Permits	Residence & Summer Homes	Fish Culture	Total Permits	Rental
1939	242	116	2	360	\$8,738.34
1940	249	122	2	373	\$9,544.47

The cooperative work of the department is mostly confined to the disposal of slash on private lands, brush disposal on State lands and fire protection on the Stillwater and Big Fork units comprising nearly 150,000 acres of State and private lands in the Kalispell district.

Funds for taking care of the slash on private lands are mostly provided by logging operators about 90% of whom choose to have the State do this work by paying 15c per M feet on timber cut. An additional amount of money for supervision of this work and for the purchase of necessary equipment is taken from the State's share of the Federal allotment under the Clarke-McNary Act.

The disposal of brush on State lands at a cost of approximately 40c per M ft. is paid for by the operator under the terms of the sale contract.

The extent of the slash disposal business on State and private lands is shown as follows:

STATE LANDS

	Amount	Acreage	Cost of Brush Disposal
Fiscal Year 1939.....	18,700 M ft.	2,670	\$7,483.49
Fiscal Year 1940.....	18,600 M ft.	2,660	7,441.59

PRIVATE LANDS

	Amount	Acreage	Cost of Brush Disposal
Fiscal Year 1939.....	143,800 M ft.	18,000	\$21,567.84
Fiscal Year 1940.....	164,000 M ft.	20,500	24,582.74

RECEIPTS

	Timber Sales	Timber Permits	Land Rentals	Total
Fiscal Year 1939.....	\$37,135.04	\$6,097.62	\$8,738.34	\$51,971.00
Fiscal Year 1940.....	42,522.61	9,673.67	9,544.47	61,740.75

STATE FOREST DEPARTMENT STATEMENT OF APPROPRIATIONS AND EXPENDITURES FROM JULY 1, 1938 TO JUNE 30, 1940

Appropriation:	7-1-38 to 6-30-39	\$28,395.00
Balance brought forward from Fiscal Year 1938.....		149.41

7-1-38 to 6-30-39

Expenditures:

Administration	\$ 8,207.74	
Capital, Repairs and Replacements.....	400.00	
Protection	13,452.47	
Timber Sales	5,934.40	
Land Exchange	527.77	
	\$28,522.38	
Reverted to General Fund 6-30-39.....	22.03	
	\$28,544.41	\$28,544.41

Appropriation:	7-1-39 to 6-30-40	\$28,395.00
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Expenditures:

Administration	\$ 8,166.78	
Capital, Repairs and Replacements	382.09	
Protection	13,442.13	
Timber Sales	5,774.80	
Land Exchange	416.40	
	\$28,182.20	
Balance Fiscal Year 1940	212.80	
	\$28,395.00	\$28,395.00

The fire seasons of 1938 and 1939 were below normal, both in number of fires started and the acreage burned. In spite of the subnormal costs of protecting forest lands during these seasons, the State appropriations were insufficient to pay fire protection assessments levied by protection agencies against State lands in the following amounts:

Blackfoot Forest Protective Association:

Balance due on 1938 assessment	\$ 698.52
Balance due on 1939 assessment	699.67
Total.....	\$1,398.19

Northern Montana Forestry Association:

Balance due on 1940 assessment	\$ 525.67
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United States Forest Service:

Balance due on 1938 assessment	\$ 864.91
Balance due on 1939 assessment	786.27
Balance due on 1940 assessment	783.61
Fire fighting costs, 1940 (Stillwater State Forest).....	1,754.66
Total.....	\$4,189.45

Claims in favor of these agencies for the above amounts due have been presented to the legislature for deficiency appropriations.

The acreage listed with the various agencies and the average cost of protecting State lands by each is as follows:

Blackfoot Forest Protective Ass'n.	139,471.77 acres @ \$.035	\$ 4,881.51
Northern Montana Forestry Ass'n.	105,134.00 acres @ .035	3,679.69
U. S. Forest Service (Western Mont.).....	78,361.04 acres @ .0566....	4,435.24
U. S. Forest Service (Eastern Mont.).....	28,153.14 acres @ .0132....	371.62
Flathead Agency	23,593.92 acres @ .03	708.82
Stillwater and Big Fork Units (by State)	97,965.54 acres @ .035	3,428.79
Glacier National Park	10,010.84 acres @ .035	350.38
Totals.....	482,690.25	\$17,856.05

This annual cost of protecting the State lands within organized protection districts corresponds to the average net cost to the State during the past fifteen years, but it does not represent the full cost of protection which was about \$2,000 a year more. This additional cost was borne by the Federal Government through funds allotted to the State under the Clarke-McNary Act.

The intent of this Federal Act was to assist private forest land owners in giving adequate protection to their lands and not for State use in protecting State owned lands.

Unfortunately insufficient State appropriations has made it necessary to divert a portion of this Federal allotment from private to State lands. This practice is unfair to the private timber land owners and should be corrected by legislative appropriations to cover the full cost of protecting State lands.

REPORT OF MONTANA STATE BOARD OF FORESTRY—1940

Members of State Forestry Board and Organizations They Represent :

Dean T. C. Spaulding, Chairman, Representing the
State Forestry School, Missoula
Major Evan W. Kelley, Representing the
United States Forest Service, Missoula
D. P. Fabrick, Representing the
State Water Conservation Board, Choteau
Sylvan J. Pauly, Jointly Representing the Montana Wool Growers
and Stock Growers Association, Deer Lodge
W. C. Lubrecht, Representing the
Blackfoot Forest Protective Association, Bonner
E. N. McDevitt, Representing the
Northern Montana Forestry Association, Somers
George Neils, Representing the
Montana Lumber Manufacturers' Association, Libby
Rutledge Parker, Secretary of Board and
State Forester, Missoula

A DIGEST OF CHAPTER 128 OF THE SESSION LAWS OF 1939 CREATING THE MONTANA STATE BOARD OF FORESTRY

The 1939 Session of the State Legislature passed a law creating the Montana State Board of Forestry and defined its duties and powers; "providing for the conservation and protection of all forest lands and resources of the State of Montana; providing that owners of forest lands shall provide protection therefor or pay the actual cost of such protection provided by said Board; providing procedure for the assessment and collection of the cost of forest protection; providing for the abatement of public nuisances existing on forest lands; providing police and safety measures for the prevention of and protection against fire on forest lands; and providing for cooperation with Federal, public and private agencies in forest conservation and protection."

The State Forestry Board, Its Creation and Purpose

The primary purpose of creating the State Forestry Board is to bring into existence an official body vested with broad powers in all matters pertaining to the protection of the forests, which is the first and primary step in the conservation of forest range, water, regulation of stream flow and the prevention against excessive soil erosion, and for the further purpose of more adequately promoting and facilitating the cooperation, financial and otherwise, between the State of Montana and all the public and private agencies with which it is now or later may be associated in such work.

The act, in creating the Montana State Board of Forestry, provided for the selection of its membership, representing eight organizations, all of

which are directly interested in the protection and use of the forests and other affiliated resources therein. The Board, however, consists of seven members, each to be appointed by the Governor upon the recommendation of the following agencies: the Dean of the State Forestry School, the U. S. Forest Service, the Water Conservation Board, one member jointly representing the Montana Wool Growers and Stock Growers Association, the Montana Lumber Manufacturing Association, the Northern Montana Forestry Association, and the Blackfoot Forest Protective Association.

A proposed amendment to Section 1 of the law is as follows: "A further suggestion is an amendment to Section 1 of Chapter 128 of the Session Laws of the Twenty-sixth Legislative Assembly of Montana, 1939, that there be representation on the Board of the smaller forest landowner group. This may be accomplished by an appointment to the Board upon the recommendation, jointly, of the three large farm organizations of the State of a resident landowner of not more than 480 acres of forest land classification, to increase the membership on the Board by one member or to substitute for an existing member."

The Act authorizes the Board to cooperate with the Government of the United States and any of its bureaus, services, and agencies in accordance with Federal statutes and regulations thereunder, and also to cooperate in advisory capacity with the State Water Conservation Board and the State Board of Land Commissioners.

An organized forest protection district is described as an area of forest land having fixed boundaries in which forest land owners are organized with an administrative agency recognized by the Board as giving adequate protection to the forest lands therein, and provides that each owner pay his prorated share on an acreage basis covering the actual cost of fire protection.

A fire district is defined as a part of an organized forest protection district or an area outside of such district which may be made a part thereof. The forests within an organized district often vary in character and may be classed as dense, moderately dense and sparse. These varying conditions have a direct influence on the volume of fuel contained in the forest, which has a direct effect on the spread of fires and the cost of fire protection. Where such conditions prevail, the creation of fire districts may be warranted so that the cost of fire protection may apply accordingly.

A forest protection agency is one that is recognized by the Forestry Board and which administers the protection of forest lands within an organized forest protection district.

The Board is authorized:

(a) To classify the forest lands of the State for which conservation and fire protection measures are reasonably required and to modify such classification from time to time that may be found necessary.

(b) To create fire districts within organized forest protection districts where the cost of fire protection for the organized unit is not uniform and fix the assessments for the fire districts on the basis of actual cost.

(c) To provide its own organized system of fire protection.

(d) To enter into a contract with any organized protection agency for protecting privately owned forest lands from fire, or to provide any reasonable means, independently or in cooperation with any Federal, State or other recognized agencies.

(e) To make and enforce reasonable rules and regulations in order to properly administer the provisions of the law.

Every owner of forest land classified and approved by the Board is required to furnish protection against the starting or existence of fire and to suppress its spread during the fire season. Such protection shall conform with rules prescribed by the Board. If such owner does not provide for such protection, the Board may provide the same at a cost not to exceed five cents per acre and in such an event, the owner of such land shall pay to the County Treasurer of the county in which such land is located the charge for the same approved by the Board.

Any owner of forest land located within an organized forest protection district who participates by paying the annual forest protection charges shall be recognized as having fully complied with the requirements of the Act.

Any owner who contends that he is not obligated legally to pay the forest protection charges shall pay the same and is entitled to make a protest in written form to the County Treasurer. Such a protest will be considered in the same manner as a protest against the payment of taxes and action to recover the same.

The following amendment is offered for giving a better opportunity to be heard in case of a protest: "That Chapter 128 of the Session Laws of the Twenty-sixth Legislative Assembly of Montana, 1939, be and hereby is amended by adding a new Section to be known as Section 33, to read as follows:

Section 33. Any owner, or the accredited representative of any owner, of forest land classified as such by the Board, within any organized forest protection district, subject to the provisions of this Chapter, shall upon request, be granted a hearing before the Board or the Executive Committee thereof, on any subject pertaining to the activities of the Board, or of the State Forester as secretary or agent of the Board, or any recognized agency as agent of the Board, affecting such owner's property; provided, that no request for a hearing before the Board shall have the effect of suspending the operations of the Board, or any such agent of the Board, undertaken pursuant to the provisions of this Chapter, but, upon such hearing, the Board may terminate such operations if found unreasonable; and, provided, further, that any hearing pertaining to costs charged against the forest land of any owner for protection thereof, as provided in Section 9 of this Act, must be requested on or before the fifteenth day of August of each year."

Whenever any owner has failed to pay the fire protection costs in compliance with the Act, the amount due shall become a lien upon such land or timber, which shall continue until such time as the amount due shall have been paid.

Accomplishments and Action Taken by the State Board of Forestry

Section 1 of the law created a State Board of Forestry, the members of which are interested in the forests of the State. It is just as important to have a Board to help solve the forest problems of the State as it is in the case of boards or commissions already authorized to work on similar conservation measures. It has been the experience of the majority of the states that very much more can be accomplished through a legally recognized board, in a program for the conservation and use of our natural resources, than there would be in the case of a state agency working alone on the problem. There are many problems to be worked out to keep our public and private forests on a basis of sustained production which, in the end, means jobs and permanent communities. The human side of this question is the vital issue. It is essential that the personnel of this Board be as fairly representative as possible of the interests involved, including the public, because these are the agencies directly interested in formulating and carrying out a forestry program.

The Board at its first meeting elected a chairman and appointed an Executive Committee of three members and gave this body authority to take action for the Board in certain emergency cases.

The Board was unanimous in its action to officially recognize all of the organized forest protective agencies in Montana, including Federal, State and private. These agencies all cooperate jointly in the protection from fire of forest lands covering the entire forest land areas of western Montana within the Columbia River drainage and all Federal agencies administering organized fire protection districts east of the Continental Divide. Contained within or adjacent to these organized fire protection districts administered by these agencies west of the Continental Divide are approximately 3,500,000 acres of State and privately owned forest lands. The Montana State Board of Forestry recognized these agencies as being fully qualified to give adequate protection to all of these lands without any duplication of effort on the part of the State.

Under the circumstances, the Board approved a plan to enter into an agreement with all of the existing recognized fire protection agencies to protect designated areas of privately owned lands from fire at a price not to exceed actual cost and, under the law, in no case to be more than five cents per acre. The only funds made available to the Board to meet its obligation under the agreement with the several fire protection agencies are those collected from the owners of privately owned forest lands.

The Montana State Board of Forestry is vested with authority, under the law, to collect from the private forest land owners the actual cost of fire protection at the same time and in a similar manner that real and personal taxes are collected, all such funds to be deposited with the State Treasurer and to be used by the Board to defray the cost of fire protection for the lands involved.

Ten rules approved by the Board are as follows:

RULE NO. 1

(a) In classifying the forest land areas of the State as to forest land for which conservation and fire protection measures are reasonably required, "forest land" shall mean any land which has thereon trees, brush,

inflammable forest growth of any kind, or size, living or dead, or standing or down, including slashings, debris, or forest material of any kind.

"Forest material" shall be held to mean trees, poles, logs, pilings, slabs, ties, stumps, cordwood, bark, sticks, slashings, wood, brush, cuttings, refuse, and weeds, grass, twigs, leaves, and litter within or adjacent to standing timber, cut-over land, or burned-over forest land, and every kind of forest products lying or piled upon the land.

(b) For the purpose of applying the forest land classification, the smallest legal subdivision (conventional forty-acre subdivision, or public land survey lot), within any organized forest protection district or fire district, is hereby declared to be the recognized unit of forest land for which conservation and fire protection measures are reasonably required. For the purpose of this Act, any such unit containing a combination of natural grass and forest growth shall be classified as a whole unit, providing, however, that the acreage of all land cleared for agriculture on which there is no hazardous forest material or on which agricultural crops are grown, shall be deducted from the one or more contiguous forty-acre or survey lot units in the same ownership, and the remainder after making the deductions shall be classified as forest land and assessed for fire protection in compliance with the law.

(c) There is nothing in this rule, however, to prohibit the following procedure:

- (a) To authorize private owners of natural grass lands located within organized fire protection districts to voluntarily list their lands for fire protection.
- (b) To permit the private owners of forest lands in any organized fire protection district to voluntarily pay a minimum assessment of \$1.00 in cases where the acreage assessment under the law is less than that amount.
- (c) To give authority to all organized fire protection agencies to solicit private owners of lands mentioned in Captions (a) and (b) in Rule 1 (c) in order to help insure maximum cooperation of private owners in the protection of the forests and forage resources.

RULE NO. 2

Every owner of forest land in recognized forest protection districts, except as provided in Section 10 of the Act, to comply with the provisions of Section 9 of the Act, shall conform to the following reasonable standards of adequate protection:

(a) One able-bodied man must be in residence thereon continuously throughout the forest fire season, provided the area to be protected does not exceed 40 acres. For larger areas, the number of men in residence thereon must be increased as determined by the State Forester. The man or men must be available at all times to suppress fires on the property and must give all fires attention.

(b) Serviceable and sufficient fire tools, as defined by the State Forester, must be kept in a convenient place and used for no other purpose than fire suppression.

(c) Failure on the part of the owner to meet these conditions shall be considered failure to give adequate protection, and thereupon the provisions of Section 9 shall apply.

An amendment to Section 9 of the Act is proposed and, if passed, will change the present wording of Rule 2. The amendment is as follows:

"That Section 9 of Chapter 128 of the Session Laws of the Twenty-sixth Legislative Assembly of Montana, 1939, be and hereby is amended to read as follows::

Section 9. Every owner of forest land classified as such by the Board

is hereby required to furnish protection against the starting or existence, and to suppress the spread, of fire on such land during the full period of each forest fire season defined by this act. Such protection and suppression shall be in conformity with reasonable rules and standards for adequate fire protection to be prescribed by the Board. If such owner does not provide for such protection and suppression, said Board may provide the same, at a cost of not less than one cent or more than five cents per acre per annum, and in the event thereof, the owner of such land shall pay to the County Treasurer of the County in which such land is situated, the charge for the same approved by the Board, in accordance with the provisions of this act; *provided that for the purposes of this Section, any legal subdivision of not more than 160 acres of forest land classified as such by the Board, to be designated by the owner, shall be deemed by the Board to be protected by the owner if more than one-half thereof is within the radius of one mile of the owner's permanent residence and the owner, or an able-bodied man under the owner's direction, actually resides therein continuously during the forest fire season; and provided, further, that the starting, existence and spread of fire on said designated legal subdivision without immediate and reasonably adequate measures for suppression being taken by said owner or under his direction shall be prima facie evidence that protection is not being furnished by said owner, and the board shall thereupon provide protection and suppression in accordance with the provisions of this Section."*

RULE NO. 3

During the forest fire season all persons or corporations engaged in forest utilization operations shall have available suitable hand tools and other essential items of equipment cached at some effective point on or near the operations and for exclusive use in firefighting. The number of tools and other items in such caches will be sufficient to properly equip men employed in the operations for firefighting.

This rule will apply in a similar manner to any and all operations involving construction, or otherwise, where power machinery of any kind is used within or adjacent to lands classified as forest lands.

The State Forester is authorized to work in cooperation with the operator and the protection agency in determining a standard of fire tool cache for each operation as heretofore indicated.

A minimum requirement will be as follows:

Each operator shall furnish for every twenty men or major fraction thereof, a set of fire tools consisting of not less than three axes, three shovels, three grub hoes (or an equally effective trenching tool), one five-foot or longer crosscut saw, two water buckets, two 1-gallon water bags and three 8-inch files.

RULE NO. 4

When men are actually at work on given utilization projects during emergency fire weather, as determined by the Executive Committee of the State Board of Forestry, every forest utilization operator employing 40 men or more shall designate and furnish a patrolman equipped for extinguishing small fires, whose duties shall be to patrol the woods operations and hazardous areas adjacent thereto and to extinguish small fires thereon, to give immediate alarm for fires beyond his control, and to report to the camp foreman.

RULE NO. 5

In all forest utilization operations employing not less than six men, the man in charge shall designate a foreman and crew of five or more men, to be known as a fire crew, to act on their own initiative in taking immediate action in the suppression of any fire starting on such operating area or areas adjacent thereto.

RULE NO. 6

All stationary tractor machinery and logging trucks operating within any area classified as forest lands by the State Board of Forestry shall be equipped with hand tools or other fire extinguishing equipment in numbers sufficient to furnish each man employed at and around the machines a tool with which to fight any fire started on or adjacent to the operating area.

In addition to hand tools, each logging locomotive shall, during the fire season, be equipped with a special water tank, having a capacity of not less than 2000 gallons, and force pump, if the engine pump and tank are not suitable for firefighting purposes.

RULE NO. 7

During the fire season, logging tractors shall be equipped with effective spark arresters and trucks shall be equipped with mufflers.

RULE NO. 8

During dangerous parts of the forest fire season, it shall be the duty of all forest utilization operators to prohibit smoking in the woods, except at specially designated lunch and campgrounds, and to restrict lunch fires to safe and specially prepared spots.

RULE NO. 9—FIRE IN OPERATORS LOGGING OPERATIONS

The cost of suppression of fires originating in any operator's operating area shall be deemed a charge against and be borne by such operator, providing the Board of Directors of the Forest Protective Association shall, by majority vote, agree that the cause of the fire was a result of the negligence of such operator.

However, any party in interest aggrieved by the decision of the Board of Directors may, within 30 days, appeal from such determination of the Montana State Board of Forestry, provided, however, that neither the appellant nor respondent, if a member of such State Board of Forestry, shall participate in the decision of such Board, other than presenting his case, and the decision of said Montana State Board of Forestry shall be final, insofar as administrative jurisdiction in such controversies goes, in the determination as to the cause and responsibility of such fire; provided, however, that there is nothing in this rule that is intended to restrain either party from exercising his right to seek adjudication of his case through court action.

For the purpose of this provision, the term "Operating Area" shall be construed and determined to include all area upon which current slash has accumulated as a result of the woods operations during the dangerous forest fire season, which hazard thus created cannot be safely removed until favorable weather conditions; or an area upon which there is an accumulation of current and other slash, the existence of which is the result of the operator neglecting to advance the State Forester the funds to remove it, or the operator neglecting to remove the slash independent of the State Forester's participation as required by Chapter 95, Section 6 (1927) of the Forestry Laws of Montana.

RULE NO. 10

During times of dangerous fire weather no person shall go upon or be upon those portions of the forest lands of the State of Montana designated by public proclamation of the State Forester as areas of extreme

fire danger, except under the authority (granted by permit) issued by the locally designated fire warden or forest officer; provided, however, that this rule shall not be imposed upon any actual resident going to or from his home. A permit will not be issued unless an applicant has urgent business upon forest land designated as extreme fire danger areas.

The forest classification reports covering privately owned forest lands prepared by the various fire protection agencies in cooperation with the Board and the rates per acre for the fiscal year 1940 covering the cost of fire protection were approved by the Board.

The Board approved the lists prepared separately by counties including private forest land owners who had not paid the fire protection costs for the fiscal year 1940. Immediately upon approval, these lists were forwarded to the respective counties for collecting the fire protection costs in compliance with the law.

FISCAL YEAR 1940

STATISTICAL DATA COVERING ORGANIZED FIRE PROTECTION DISTRICTS SHOWING NUMBER OF OWNERS AND ACREAGE COOPERATING AND NUMBER OF OWNERS AND ACREAGE NOT COOPERATING FOR EACH ORGANIZED FIRE PROTECTION DISTRICT

Blackfoot Forest Protective Association

Cooperating Acreage	1,006,829	Number of Owners.....	527
Non-Cooperating Acreage	171,548	Number of Owners.....	755
Total Acreage Classified	1,178,377 acres	Number of Owners.....	1,282

Northern Montana Forestry Association

Cooperating Acreage	939,322	Number of Owners.....	666
Non-Cooperating Acreage	171,456	Number of Owners.....	889
Total Acreage Classified	1,110,778 acres	Number of Owners.....	1,555

Flathead Indian Agency

Cooperating Acreage	8,979	Number of Owners.....	61
Non-Cooperating Acreage	45,976	Number of Owners.....	347
Total Acreage Classified	54,955 acres	Number of Owners.....	408

Cabinet National Forest

Cooperating Acreage	87,104	Number of Owners.....	143
Non-Cooperating Acreage	80,180	Number of Owners.....	559
Total Acreage Classified	167,284 acres	Number of Owners.....	702

Kootenai National Forest

Cooperating Acreage	70,626	Number of Owners.....	157
Non-Cooperating Acreage	125,623	Number of Owners.....	740
Total Acreage Classified	196,249 acres	Number of Owners.....	897

Flathead National Forest

Cooperating Acreage	282,103	Number of Owners.....	166
Non-Cooperating Acreage	65,806	Number of Owners.....	480
Total Acreage Classified	347,909 acres	Number of Owners.....	646

State of Montana—Stillwater and Bigfork Units

Cooperating Acreage	125,326	Number of Owners.....	166
Non-Cooperating Acreage	21,546	Number of Owners.....	230
Total Acreage Classified	146,872 acres	Number of Owners.....	396

Lolo National Forest

Cooperating Acreage	140,865	Number of Owners.....	10
Non-Cooperating Acreage	5,066	Number of Owners.....	35
Total Acreage Classified	145,931 acres	Number of Owners.....	45

TOTALS FOR ALL ORGANIZED FIRE PROTECTION DISTRICTS SHOWING
ACREAGES COOPERATING AND ACREAGES NOT COOPERATING
FOR EACH DISTRICT

	Total Cooperating Acreage	Total Non-Cooperating Acreage	Grand Total Acreage
B. F. P. A.	1,006,829	171,548	1,178,377
N. M. F. A.	939,322	171,456	1,110,778
Indian Agency	8,979	45,976	54,955
Cabinet District	87,104	80,180	167,284
Kootenai District	70,626	125,623	196,249
Flathead District	282,103	65,806	347,909
Stillwater-Bigfork Units	125,326	21,546	146,872
Lolo District	140,865	5,066	145,931
Grand Totals	2,661,154 acres	687,201 acres	3,348,355 acres

TOTALS FOR ALL ORGANIZED FIRE PROTECTION DISTRICTS SHOWING
NUMBER OF OWNERS COOPERATING AND NUMBER
OF OWNERS NOT COOPERATING

	Number of Cooperating Owners	Number of Non- Cooperating Owners	Grand Total Owners
B. F. P. A.	527	755	1,282
N. M. F. A.	666	889	1,555
Indian Agency	61	347	408
Cabinet District	143	559	702
Kootenai District	157	740	897
Flathead District	166	480	646
Stillwater-Bigfork Units	166	230	396
Lolo District	10	35	45
Grand Totals	1,896 owners	4,035 owners	5,931 owners

The cooperative acreage indicated in the tabulation may be defined as acreage, the owners of which have voluntarily paid the cost of fire protection to the several organized fire protection agencies.

The non-cooperating acreage includes those owners who have made no voluntary payments for fire protection.

The second tabulation including cooperating and non-cooperating forest land owners is self-explanatory.

If the amendment proposed and approved by the State Board of Forestry relative to the exemption of resident forest land owners of 160 acres or less is passed by the Legislature, then the non-cooperative acreages indicated as 687,201 in the tabulation above, all of which with a few exceptions were included on the lists forwarded to the western counties for the collection of fire protection costs, will be greatly reduced.

Some Comments on the Operation of the State's New Forestry Law

No funds were appropriated for conducting the operations of the State Forestry Board. The Board had to depend entirely upon the cooperation of the organized forest protection agencies in the preparation of the forest land classification reports. There were some errors made which are being corrected just as rapidly as time will permit.

When considering that approximately 6,000 forest land owners were involved in the State Forestry Board's forest land classification program during the fiscal year 1940, involving ten counties in western Montana and embracing about 3,350,000 acres of land including State holdings, it is surprising that there were not to exceed eight per cent of the owners of this property who submitted written protests about the classification of their land and the payment of the cost of fire protection. It cannot be as-

sumed, however, that all of the remaining 92 per cent of the owners accepted the Board's land classification and the assessments for fire protection without any feeling of resentment, because that would not be a true picture of the situation. On the other hand, a great many people have been cooperating with the Federal, State and private organized fire protection agencies for a great many years, and in 1940, 82 per cent of the acreage classified and assessed paid the fire protection costs voluntarily.

The assessments against forest lands to cover the cost of fire protection are referred to by a large number of people as a tax. The Supreme Courts in other states having similar laws have ruled that the statute was not designed for the purpose of raising revenue and it was not exercising the taxing power of the State, but the act is a reasonable and proper police regulation designed to protect the forests of the State from destruction by fire. Under the Act, the legislature authorized the collection of the fire protection costs from the delinquent forest land owners through the channels of the regular tax collecting authorities. This is the only effective manner in which the funds can be made available to the State to meet the cost of the services rendered the individual forest land owners and, at the same time, accomplish a real public service, the protection of the forests of the State from destruction by fire.

The authority compelling the forest land owner who has not paid the cost of fire protection on his property to reimburse the State for monies so expended provides merely for the collection of an indebtedness imposed under the police power of the State and not for a collection of a tax.

Ninety per cent of the objections to the Forestry Law by the small forest land owners are as follows:

1. The forest land classification, in some instances, was found to be out of line with the actual conditions found on the ground. That is, proper reductions were not made including lands cleared for agriculture and pasture purposes on which there was no hazardous forest material that would enable fires to start and spread to adjoining property. Likewise, in some cases, open grasslands were not deducted. Failure on the part of the examiners to make these adjustments 100 per cent correct in the original record submitted resulted in a number of protests, a large number of which have been satisfactorily adjusted. The remaining cases will be corrected just as soon as weather conditions will permit a further examination of such lands.

2. Practically all of the written protests were also directed at the assessment rates recommended by the organized forest protection agencies and approved by the State Forestry Board. These rates varied from two cents to five cents per acre. This objection has been given very careful consideration by all of the organized fire protection agencies. The studies that have been completed to date indicate reductions in the cost will be made. The argument justifying these reductions is due to the very accessible location of the resident forest land holdings, situated, to a large extent, along river valleys tributary to State and county highways and in some cases, these rural communities have available their own telephone system. Since the roads traversing these rural holdings are maintained by the State and counties and the telephone lines, in many instances, are

owned and maintained by the resident forest land owners, very material reductions can be made in the cost of fire protection where such conditions exist because the facilities indicated are of major importance in the matter of detection and suppression of forest fires.

On the other hand, in the back country where there are practically no resident forest land owners and all of the major facilities such as roads, trails, telephone lines, lookout towers, pack outfits and the like must be made available and maintained by the organized forest protection agencies, it can be readily understood that this development in the form of essential facilities for adequate fire protection, in addition to increased inaccessibility because of the ruggedness of the country, adds very materially to the cost of fire protection.

The study which is now being made is an attempt to determine the actual cost of fire protection within the regions mentioned and to make such changes in the fire costs as the results of the study may determine.

3. No credit was given to resident forest land owners for the part that may be possible for them to take in protecting their property from fire. This objection will be partially corrected, provided the amendment to Section 9 of the Act will be approved by the Legislature.

The members of the Montana State Board of Forestry have a very clear understanding of the problems confronting the small forest land owners in the State and it is the sincere wish of the Board to make it possible for all of them to cooperate under the law. When considering the gigantic undertaking of securing a record of 6,000 owners of forest lands in the ten counties of western Montana and grouping these owners alphabetically by organized forest protection districts and counties, it is not surprising that errors were made. When considering the character of the legislation where property was assessed for fire protection and where owners in the past were not required under the law to pay anything for fire protection, and the majority of whom were not voluntarily cooperating with the organized forest protection agencies, it is not at all surprising that protests were made. Regardless of the administrative setup that may have been provided, it would have been impossible to put such a law under administration without some backfire. The reasons are self-explanatory.

The Board is doing everything in its power to correct any well-founded objections to the law that have been made, and the forest land owners who are directly concerned should reciprocate and help the Board work this out because it is essential that the State have a compulsory fire patrol law so that organized fire protection will be available to all forest land owners where fires often prove a menace to life and property.

Summary of Montana Forestry Law For Enforcement Officers

Section 25. All members of the Montana Highway Patrol are ex-officio fire wardens for the purpose of enforcing the penal provisions of the Act.

Section 3. The forest fire season is the period from May 1 to September 30, but may be expanded an additional 30 days by the State Board of Forestry.

Section 14. Written permit is required during the forest fire season before any fire may be started. Campfires in a designated improved

campground or where special safety preparations have been made are an exception.

Section 15. Unlawful to leave a campfire unattended or to fail to extinguish one before leaving during forest fire season.

Section 17. Flaming or glowing substances such as cigarettes or lighted matches must not be thrown from vehicles or otherwise placed where a fire might result during forest fire season.

Section 18. During forest fire season all engines, tractors, etc., must be equipped with adequate spark arrester when used in or near any forest lands.

Section 20. Unlawful to deface, remove, injure or disfigure any fire sign.

Section 5 (d). Section 1 of the Forestry Act creates a State Board of Forestry as a governing body to put into effect the provisions of the Act.

The Board defines "Forest land" as follows:

"Forest land" shall mean any land which has thereon slashings, brush, inflammable forest growth of any kind, or size, living or dead, or standing or down, including debris, or forest cover of any kinds."

"Forest material" shall be held to mean trees, poles, logs, pilings, slabs, ties, stumps, cordwood, bark, sticks, slashings, wood, brush, cuttings, refuse, weeds, grass, twigs, leaves, and litter within or adjacent to standing timber, cut-over land, or burned-over forest land, and every kind of forest products lying or piled upon the land."

Reporting Fires

Report all fires as quickly as possible to the nearest forest ranger or fire warden. Put out any fire you possibly can before reporting.

Fire Tools

All patrol cars should be equipped with an axe, a shovel, and a water bucket during fire season.

Fire Prevention Contacts

Throughout the fire season, use every opportunity during conversation with travelers to caution against starting a fire; particularly by throwing away burning cigarettes or matches, or by starting campfires in unsafe places.

The following is a budget statement for the operation of the Montana State Board of Forestry covering the fiscal years 1942 and 1943. This budget was approved by the Montana State Board of Forestry at its second regular meeting on November 7, 1940, held in the library of the Forestry School Building, State University, Missoula, Montana:

	1942 Budget July 1, 1941 June 30, 1942	1943 Budget July 1, 1942 June 30, 1943
ADMINISTRATION		
OPERATION		
Salaries:		
Fire Warden	\$2,400.00	\$2,400.00
Assistant Fire Warden	1,800.00	1,800.00
Clerk	1,500.00	1,500.00
Temporary Clerical Assistance	300.00	300.00
Travel:		
Forestry Board Members—Travel & Sub.	600.00	600.00
Fire Warden & Assistants—Meals & Lodging....	1,000.00	1,000.00
One Pickup Truck	700.00
Operation of Truck	300.00	300.00
Office Supplies & Equipment:		
One Typewriter	80.00
Typewriter Rental	25.00	25.00
Postage, Stationery, Printing	500.00	500.00
Telephone & Telegraph	50.00	50.00
Industrial Accident Insurance	40.00	40.00
Auto Insurance	15.00	15.00
	<hr/> \$9,310.00	<hr/> \$8,530.00

The following pages of this report include a digest of the compulsory forest patrol laws of Idaho, Oregon and Washington, with the opinions of the Supreme Courts of these states upholding the constitutionality of the laws:

IDAHO

Idaho has had a compulsory forest protection law since 1925. The law of 1925, as amended in 1929, and now appearing as Section 37-107 of the Idaho Code Annotated of 1932, is as follows:

"73-107. Protection by owner—Residence on land—Protection by state forester—Charges a lien—Collection as taxes—Purchaser of forest products responsible for protection.—Every owner of forest lands in the state shall furnish or provide therefor, throughout the closed season, protection against the starting, existence or spread of fires thereon, or therefrom in conformity with reasonable rules and standards for adequate protection, to be established by the State Cooperative Board of Forestry: provided, however, that for the purpose of this section, forest land shall be deemed adequately protected if the owner actually resides throughout the closed season, within one mile of said forest land. Provided, further, that for the purpose of this section, when a tenant actually resides upon forest land, throughout the closed season, the quarter section of such forest land upon which the dwelling house of the tenant is located shall be deemed adequately protected. In the event the owner of any forest land shall neglect or fail to furnish the protection required by this section, the State Forester shall provide such patrol and protection therefor at actual cost. Any amounts paid or contracted to be paid by the State Forester and approved by the Board for this purpose shall be a lien on the property protected and shall be collected as follows:

"By the third Monday in September of each year, the State Forester shall have prepared a list of all amounts charged under this section against property protected, and upon request received from any owner thereof, shall render the latter a statement of the sum so due from each owner; upon further request made to said Forester within ten days following said third Monday in September, any such owner shall be granted a hearing before the Board on the second Monday in October. Said Board shall then either approve or revise all sums to be collected, and the State Forester shall certify each and every correct amount to the Auditor of the county or counties in which such property is situated not later than the third Monday in October following. Upon receiving such certificate from the State Forester showing the amounts due, the Auditor shall extend the amounts so certified upon the county tax rolls covering such property, and such sums shall be collected in the same manner and at the same time and with like penalties as general State and county taxes upon the same property are collected. When collected, such sums shall immediately be paid into the forest protection fund to be applied by the State Forester to expenses incurred, accrued and/or contracted for in carrying out the provisions of this section.

"For the purpose of this section when the owner of forest land shall have sold timber and/or other forest products or potential forest products thereon to another, retaining the land, the owner of the timber and/or other forest products or potential forest products shall be responsible for providing the protection required for that portion of the land covered by his uncut timber and/or other forest products or potential forest products and for the area he has cut over during the year up to the end of the closed season, and for any areas he has cut over without complying with the forest fire and slash disposal laws of the State, and if he fails, neglects or refuses to provide the protection required by this section, the State Forester shall provide

such patrol and protection at actual cost. Any amounts paid or contracted to be paid by the State Forester or the Board for this purpose shall be a lien upon the remaining standing timber and/or other forest products or potential forest products and upon the timber and/or other forest products theretofore cut and/or removed or remaining on the ground and may be collected through extension upon the tax rolls covering such property as hereinbefore provided for collection of similar liens upon forest land: provided, that if the State Forester shall deem such property to be inadequate security, the lien, unless promptly paid on demand of the State Forester, may be by him perfected and enforced as loggers' liens are perfected and enforced, or such amounts, together with any expenses rendered necessary, may be recoverable from the offender by a civil action for debt prosecuted in the name of the state of Idaho."

In the case of *Chambers v. McCollum*, 272 Pac. 707, the Supreme Court of Idaho upheld the constitutionality of this law, holding that the charge levied against the land for the actual cost of fire protection is not a tax violative of the constitutional provision against double taxation but is an indebtedness due by reason of the protection furnished. The following are pertinent parts of the Court's decision:

"Appellant insists that the charge of \$8.91, levied against his land under and by virtue of the Forestry Law, is a tax, and that, his land being regularly assessed for State and county taxes, the charge of \$8.91 constitutes a second tax for the same purpose, and is therefore in violation of Article 7, Sec. 5, of the State Constitution, providing that duplicate taxation of property for the same purpose during the same year is prohibited. The authority for the assessment under the Forestry Law is found in Section 4 thereof, providing, *inter alia*, that, if the owner of forest lands in the State shall neglect or fail to provide adequate and efficient protection therefor against fires, such protection shall be provided by the State Forester at actual cost, and any sums due therefor, unless previously paid, shall be collected in the same manner and time as general State and county taxes.

"The Supreme Courts of Oregon and Washington have passed upon similar objections raised under analogous provisions of their Forestry Laws. In *First State Bank v. Kendall Lumber Co.*, 107 Or. 1, 13, 213 P. 142, 146, it was said:

"This statute was not designed for the purpose of raising revenue, and its enactment was not an exercise of the taxing power of the State. The Act is a reasonable and proper police regulation designed to protect the forests of the State from destruction by fire. The method adopted by the Legislature to compel the delinquent owner to reimburse the State for the moneys so expended provides merely for the collection of an indebtedness imposed under the police power of the State, and not for the collection of a tax."

"In *State v. Pope*, 103 Wash. 319, 174 P. 468, it was said, speaking of the cost of providing protection to forest lands by the State Forester after the owner has failed to do so:

"These disbursements so made by the State Forester are made for and on behalf of the private forest landowners, for their special benefit as well as incidentally for the general benefit of the whole public. The disbursements are required to be laid, if not paid, upon the lands benefited, and collected by the taxing officers. But this arrangement does not necessarily make the assessment taxation. x x x These funds were not taxes levied and collected for State purposes generally, but were assessments laid upon private lands particularly for the benefits done those private lands."

"The charge against appellant's land for fire protection furnished by the State Forester does not constitute a tax within the purview of

the provision of the Constitution sought to be invoked. Taxes are levied for governmental purposes, while this is an indebtedness due by reason of protection furnished at actual cost for the benefit of the owner as well as to afford protection against fires in the forests throughout the State generally. Elliott v. McCrea, 23 Idaho, 524, 529, 130 P. 785; Booth v. Clark, 42 Idaho, 284, 290, 244 P. 1099."

OREGON

Oregon has had a compulsory forest protection law since 1913. The law is set forth and discussed, and the constitutionality thereof is fully sustained in the decision of the Supreme Court of Oregon in the case of First State Bank of Sutherlin v. Kendall Lumber Corporation, et al., 213 Pac. 142. The following is quoted from the Court's decision:

"This suit was brought to foreclose a certificate of delinquency issued pursuant to the provisions of Chapter 247, Laws of 1913, comprising Sections 8970-8974, Or. L. This act is entitled, 'An Act to require owners of timber lands to provide a fire patrol therefor', and reads as follows:

"Section 1. Every owner of timber land in the State of Oregon shall furnish or provide a sufficient fire patrol therefor, during the season of the year when there is danger of forest fires, which patrol shall meet with the approval of the State Board of Forestry.

"Sec. 2. In case any owner or owners shall fail or neglect to provide such fire patrol, then the State Forester, under direction from the State Board of Forestry, shall provide the same at a cost not to exceed five (5) cents per acre per annum. Any amounts so paid or contracted to be paid by the State Forester, shall be a lien upon the property, and shall be reported by the State Forester to the county court of the county in which such lands are situated, and shall by such court be levied and collected with the next taxes on such lands in the same manner as taxes are collected. Said county court shall instruct the proper officer to extend the amounts on the assessment roll in a separate column, and the procedure provided by law for the collection of taxes and delinquent taxes shall be applicable thereto, and upon collection thereof, the county court shall repay the same to the State Forester to be applied to the expenses incurred in carrying out the provisions of this act.

"Sec. 3. For the purposes of this Act, any land shall be considered timber land which has enough timber standing or down, to constitute, in the judgment of the State Board of Forestry, a fire menace to itself or adjoining lands.

"Sec. 4. The owner of any land coming under the provisions of this act, who shall reside within one and one-half miles of said land, shall be considered, by virtue of said residence, to maintain a sufficient fire patrol, and shall not be compelled to maintain additional patrol on such land.

"Sec. 5. For the purposes of this Act, an adequate fire patrol shall be construed to mean one equal to that maintained by 50 per cent of timber owners in the same locality, or under similar conditions in other localities, who are in good faith patrolling their lands against fire."

"The respondents, who were the defendants in the court below, attack the constitutionality of this act upon four grounds. These objections are stated in their brief as follows:

"(1) That said act embraces more than one subject matter not expressed in the title of the act.

"(2) That it is an attempt to take the property of the defendant without due process of law, in this, that said act attempts

to provide for the levying and collection of an assessment against the property of the defendant without providing defendant any opportunity at any stage of the proceedings to be heard in the matter, and said act fails to provide for any notice to the taxpayers whatever, or to afford him any opportunity for hearing.

“(3) That said act is unconstitutional for the reason it is class legislation, in this, that it permits 50 per cent of the timber owners in any locality to determine what constitutes an adequate fire patrol, and is also an attempt by the Legislature to delegate legislative authority to the owners of 50 per cent of the timber in a given locality.

“(4) That said Chapter 247 does not provide for a uniform and equal rate of taxation, but on the contrary, exempts some owners and permits other owners to determine what constitutes an adequate fire patrol, and leaves the same matter in other cases to be determined by the State Forester.’

Supreme Court’s opinion follows:

“The lower court held that this act was unconstitutional, and that certificates of delinquency issued pursuant thereto were unauthorized and void. The correctness of this ruling is the only question involved on this appeal.

x x x

“The general object and purpose of this act was to prevent the destruction by fire of the forest lands within the State. To accomplish this purpose all private owners of forest lands are required by this act to maintain a fire patrol over their lands during the dry season of each year. Recognizing that some timber landowners might not comply with the law, the Legislature properly included in the act a provision whereby, through the State Forester, a system of patrolling such private lands could be maintained at the expense of the delinquent landowner, and provided a method whereby this expense could be collected from such owner. As the means thus adopted tender to prevent the destruction of forests by fire, and was essential to the accomplishment of the purpose of the act, it was proper to include this provision in the act. Without some such provision, obedience to the law could not be enforced. Where a statute contains a command and prescribes a penalty for its violation, there is a direct connection between the two, and neither can be said to be foreign or incongruous to the other. This objection, therefore, is without merit.

x x x

“Under this statute every owner of timber lands within the State is commanded to patrol them during the dry season of the year, when fires are liable to occur. If any owner fails to patrol his own lands, it is made the duty of the State Forester to furnish a fire patrol therefor. The law provides that the amount of the expense of the State Forester in patrolling privately owned lands, which the owner has failed or neglected to patrol, shall be reported by the State Forester to the appropriate county court, and that this amount shall be extended on the assessment roll of the county and shall become a lien upon the lands so patrolled, and that this amount shall be collected in the same manner and at the same time that taxes are collected, and when collected, shall be repaid to the State Forester, and makes the procedure applicable to the collection of taxes and delinquent taxes applicable to the collection thereof. The money which the State Forester, by this act, is directed to expend, belongs to the State, and, when collected, is repaid to the State. This statute was not designed for the purpose of raising revenue, and its enactment was not an exercise of the taxing power of the State. The act is a reasonable and proper police regulation designed to protect the forests of the State from destruction by fire. The method adopted by the Legislature to compel the delinquent owner to reimburse the State for the moneys

so expended provides merely for the collection of an indebtedness imposed under the police power of the State, and not for the collection of a tax."

WASHINGTON

The State of Washington has had a compulsory forest protection law since 1917. The law of 1917 as amended in 1925, Sections 5804 and 5805 of Remington's Revised Statutes, 1932, is as follows:

"Section 5804. Owners to protect against fires. Every owner of forest land in the State of Washington shall furnish or provide therefor, during the season of the year when there is danger of forest fires, adequate protection against the spread of fire thereon or therefrom which shall meet with the approval of the State Board of Forest Commissioners: **Provided**, however, that for the purposes of this section forest land shall be deemed to be adequately protected if within one mile of the owner's permanent residence or if the owner shall furnish patrol and protection therefor equal in standard, efficiency and seasonal duration to that of those who are in good faith maintaining organized patrol and protection of their lands against fire with the approval of the State Board of Forest Commissioners: **Provided, further**, that for the purposes of this section forest lands, lying in counties east of the summit of the Cascade Mountains, shall be deemed to be adequately protected where patrol is furnished by the United States Forest Service of a standard and efficiency and seasonal duration, deemed by the State Board of Forest Commissioners to be sufficient for the proper protection of the forest land of such counties. (Laws 1917, p. 349. s.1).

"Section 5805. Protection provided by State Forester—Lien—Collection of cost—Supervisor's bond. If any owner or owners of forest land neglect or fail to provide adequate fire protection therefor as required by Section 5804, then the State Supervisor of Forestry under direction from the Director of the Department of Conservation and Development shall provide such protection therefor at a cost not to exceed five (5) cents an acre per annum, and for that purpose may divide the forest lands of the State, or any part of the same into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing and place unprotected lands under the administration of the proper district. Any amounts paid or contracted to be paid by the said Supervisor for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected and, unless reimbursed by the owner within 10 days after October 1 of the year in which they were incurred, on which date the said Supervisor shall be prepared to make statement thereof upon request, to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the said Supervisor to the County Assessor of the county or counties in which the property is situated who shall extend the amounts upon the tax rolls covering such property, and the amounts shall be collected at the time and in the same manner by the same procedure and with the same penalties attached that the next general State and county taxes on the same property are collected, except that errors in assessment may be corrected at any time by the said Supervisor certifying the same to the County Treasurer of the County in which the land involved is situated. Upon the collection of such assessments the County official shall repay said amounts to the said Supervisor to be applied to the expenses incurred in carrying out the provisions of this section: **Provided**, that the said Supervisor is hereby authorized and required to include in the assessment herein authorized against the owner or owners of forest lands neglecting to provide adequate fire protection, a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical

work incurred in the enforcement of the provisions of section 5804, etseq. and subsequent amendments thereto, and is authorized to expend any sums heretofore collected from owners of forest lands or coming from any other source for any necessary office and clerical expenses in connection with the enforcement of the provisions of section 5807: **Provided, further,** That whenever any lands against which such fire patrol assessments are outstanding are acquired for delinquent taxes and sold at public auction, the State shall have a prior lien on the proceeds of such sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of such sale exceed the amount of the delinquent tax judgment aforesaid shall forthwith remit to the said supervisor the amount of such outstanding patrol assessments: **Provided, further,** That the said Supervisor is required to furnish a good and sufficient bond of a surety company running to the State of Washington, in a sum as great as the probable amount of money annually coming in his hands under the provisions of this act, conditioned for the faithful performance of his duties as such officer and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the Attorney General. (Laws 1925, Ex. Sess. P. 35, s. 6.)"

In the case of *State v. Pope*, 174 Pac. 468, which involved particularly the question whether the moneys collected as assessments for fire protection on private forest lands were public funds which in accordance with the Constitution should be paid into the State Treasury or should be retained and disbursed by the State Forester, the constitutionality of the law was upheld by the Supreme Court of Washington. Following are pertinent parts of the decision:

"It is of no concern to us that the Legislature provided for a system of fire control which provides for raising funds and the administration thereof by a state officer without any system of accounting, or such system of checks and balances as seems to be the policy of the law in regard to all officers handling public funds. They are, under the provisions of the act, to be obtained from forest land owners to protect against fires, and forest land owners under the act are given the privilege of protecting their own lands and of forming cooperative protective agencies to protect their lands from fire, and, if they fail so to protect their lands adequately, the State Forester is required to provide such protection at a cost of not to exceed five cents per acre per annum. Any amounts paid or contracted to be paid by the State Forester for this purpose shall be a lien upon the property patrolled and protected and, unless reimbursed by the owner within ten days after October 1 of the year in which they were incurred, on which date the State Forester shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the State Forester to the county assessors of the county or counties in which the property is situated, who shall extend the amounts upon the tax rolls covering such property, and the amounts shall be collected at the time and in the same manner that the next taxes on the same property are collected. These disbursements so made by the State Forester are made for and on behalf of the private forest land owners, for their special benefit as well as incidentally for the general benefit of the whole public. The disbursements are required to be laid, if not paid, upon the lands benefited, and collected by the taxing officers. But this arrangement does not necessarily make the assessment taxation, or the funds when collected public funds.

"Protection against fire in the forests of Western Washington is imperative, and it is within the police power of the State to provide for the imposition of the cost of such protection against the private forest lands so affected. We held in *Wedemeyer v. Crouch*, 68 Wash.

14. 122 Pac. 366, 40 L. R. A. (N. S.) 585, Ann. Cas. 1913E, 914, and in Northern Pacific R. Co. v. Adams County, 78 Wash. 53, 138 Pac. 307, 51 L. R. A. (N. S.) 274, that laws providing for the destruction of noxious weeds upon private lands and public highways were constitutional as within the police power of the State, and that the assessment of the costs of the destruction thereof against private lands was valid.

"In the exercise of its police power, the State undoubtedly could have made all funds its own, to be dealt with as State funds contemplated by the Constitution; but it was not necessary to do so. The legislative wisdom could in its discretion provide for the collection and administration of the funds without making them state or public funds. This the Legislature by this act undoubtedly did, and it is not our business to question its wisdom. These funds were not taxes levied and collected for state purposes generally, but were assessments laid upon private lands particularly for the benefits done those private lands. It is not necessary, therefore, that the sums imposed and collected should come into the State Treasury as provided by Article 7, Sec. 6.

x x x

"We are firmly convinced that, under the act in question, the State Forester is but an agent designated by the law to carry out the Legislative will. It was the manifest intent of the Legislature to provide for adequate protection of the forest lands from fire against the negligence or willfulness of any forest landowner, and to compel the reimbursement of such cost, to the limit specified, by the person so protected. In doing so the method was devised of collecting the monies expended in such protection by customary and certain means. It was intended, of course, that the State should lose nothing, and at the same time that funds should be readily at hand for the purpose desired."

BIENNIUM REPORT OF THE MONTANA STATE PARK COMMISSION

Members of the State Park Commission:

Mr. Frank Carey, Chairman, Virginia City

Mr. Walter Neils, Libby

Dr. P. J. Sweeney, Fort Benton

Rutledge Parker, Secretary, Missoula

According to a tourist traffic survey made by the Montana Highway Department, over one million people from other states came into Montana in 1939 and travelled for pleasure. This is nearly twice the number of people who live here, and these visitors spent over \$23,368,000 while in the State. There could be no greater proof of the value of our scenic resources.

Recreation is one of the greatest of Montana's industries, ranking with mining, wheat and cattle in importance. Many are dependent upon it for their livelihood, and it can be made to support additional people.

We in Montana have not taken full advantage of our blessings. Scenic and historic resources lie latent all about us, which, if destroyed or lost, will be most difficult to restore. A historic town, with the very buildings still standing where famous deeds of history occurred, is an education and an inspiration to us, and an attraction to our visitors. These buildings, without care, will soon be things of the past.

Virgin timber along our highways, even now a rarity in this land of timber, gives our highways a beauty for which there is no substitute. The people of Montana are the only ones who can save it, and they must act without delay.

Of our National Forest and National Park recreational facilities, you are well acquainted; therefore, this report covers only that which has been accomplished, and that which it is planned to accomplish, under the Montana State Park Commission, now in its second year of existence.

The Montana State Park Commission is the only agency which has the legal responsibility for obtaining the best use of all our lands and tying together all the splendid work of other agencies. It is a tremendous undertaking.

The Commission Hopes to Accomplish the Following:

A comprehensive study of Montana's scenic, historic, geologic and archeologic resources, and of the recreational needs of Montana and her visitors.

It is a very difficult matter to prepare a State Park Program without having first made a survey and study of the available recreational resources, and a compilation of this field work in the form of maps and reports for the information and action of the Commission. It will then be possible to prepare a plan for the best and finest use of these resources for the economic and social benefit of all the people, and the development of individual projects as rapidly as funds are available.

It is possible to establish a system of state-owned areas which will provide adequately for all needs, and to operate this system in a manner to insure its being a financial asset to the State.

Cooperation with Federal, State and local governments in the planning and development of recreational facilities is necessary in order that there may be no overlapping of activities.

With the Aid of the National Park Service and the CCC Organizations, the Commission Has Accomplished the Following:

I. Continued the development of Morrison Cave State Park where a CCC camp, under the technical guidance of the National Park Service, has been working since 1935. Here, a small corps of guides, equipped with emergency lights, ushered 11,100 visitors through Morrison Cave in the past year, 32 states being represented, as well as 4 countries: Alaska, Hawaii, Canada and Chili.

The improvement work to date at Morrison Cave includes the following:

A tunnel 538 feet in length through the limestone rock, which makes an exit from the lowest cavern, and thus eliminates the return of visitors through the entire chain of caverns and up the stairways to the entrance in the upper cavern. The entire walking distance from the head-house through the cave and return now covers 8,600 feet, or $1\frac{3}{4}$ miles, and it requires $1\frac{1}{2}$ hours to complete the journey.

The installation of a 220 volt lighting system, comprising a heavy insulated copper wire, placed underground throughout the cave, about 1,200 feet including the tunnel, with numerous outlets for direct and indirect lighting of scenic formations and walkways.

An additional 3,300 feet of underground cable was placed, running from the tunnel entrance along the path to the head-house, which has also been wired and is ready for connection with the transformer.

The repair of numerous stairways throughout the cave, and the construction of trails and the chiseling of steps in the limestone, in order that the countless formations may be seen and studied at close hand, in safety and comfort, by the visiting public.

A head-house was constructed of stone, wood, steel and cement, and comprises a main lobby with fireplace and space for a concession; an office room, and two chemical lavatories; also storage quarters and a large open porch, from which a splendid view of the surrounding country can be had.

A very good looking parking space, sufficient for 200 cars, has been graded and levelled about the head-house. Large boulders and limestone rock outline its perimeter adjacent to the steep descending slopes.

A 3,000 gallon water tank was placed underground above the head-house, with all necessary connecting pipe lines.

Within a mile of the head-house, an attractive picnic ground has been developed, with tables, benches and fireplaces for the convenience of visitors. Also adequate restroom facilities are housed in stone and wood construction. Garbage pits occur at intervals, and the water of an adjoining spring has been piped through the area.

A winding scenic mountain road leading from Highway No. 10, extends 3.2 miles from the valley to the head-house on the hill, constructed by the CCC boys. We have the Montana Highway Commission to thank for the surfacing of this highway and the purchase of the necessary culverts, which were installed within the drainages traversed by the road.

The Montana State Park Commission, lacking appropriations, was unable to meet the necessary cooperation with the National Park Service in the operation of the CCC work which it is imperative to do if the camp is to be kept available for State Park work. These camps are eagerly sought for by other states, and had the State Highway Commission not participated, we would undoubtedly have lost the only CCC camp we have for State Park development.

The road is standard in width, grade, etc., and has sturdy guard rails along the lower sections of the grade.

Two mountain trails have been constructed, each 3,300 feet long, one leading from the head-house to the entrance of the cave, on an average grade of 10%, and the other a level trail from the head-house to the exit of the cave.

Many native shrubs and trees have been planted and landscaping done at the head-house and parking space. Several permanent road signs were also constructed.

Capital Investment to Date in Facilities and Improvements Including Labor:

Morrison Cave State Park

CCC participation in the program:

Power Line	\$ 8,000.00
Buildings	21,368.00
Signs	620.00
Picnic Grounds	4,500.00
Roads	147,134.00
Cave Facilities (Stairs, etc.).....	22,271.00
Total.....	\$203,893.00

State participation in the program:

Materials for construction	\$ 6,543.00
Skilled labor, wages for	734.15
Contribution from Montana Highway Dept.....	9,200.00
Total.....	\$16,527.15

Proposed Development:

It is very essential that the following improvements be completed and made available for use by the public before the opening of the 1941 tourist season. No State funds, however, are available.

Metal partitions for latrines at head-house	\$ 75.00
Water tank and electric pump	150.00
Electric fixtures for head-house	150.00
Paint for head-house	50.00
First aid kits, emergency lights, etc.	50.00
Total.....	\$475.00

If the National Park Service continues the CCC camp at Morrison Cave State Park during the period April 1 to September 30, 1941, the State will have to furnish funds to carry on the construction:

Materials	\$4,200.00
Employment of skilled labor	1,800.00
Total.....	<u>\$6,000.00</u>

Funds required to complete all construction of Morrison Cave State Park are:

With the assistance of the C. C. C.....	\$15,000.00
Without the assistance of the C. C. C.....	39,900.00

Projects desired but can be delayed until later:

Shelters
Telephone Line
Water system
Sewage and Waste disposal
Dwellings
Equipment and Storage

Other projects for later consideration:

Roads (Surfacing)
Trails (Surfacing)
Bridges and Stairs
Landscaping Undifferentiated

Projects to be developed if conditions warrant:

Camping grounds
Cabins
Fencing entire park
Power line

Operation—Morrison Cave State Park

Those of us who have had an opportunity to observe the opening of Morrison Cave and its operation during 1940 and who have made a special study of the required facilities and personnel, make the following recommendations in connection with the operation of the cave during the tourist season of 1941:

1. A qualified man should be appointed as custodian and chief guide at a salary of \$1800 to \$2000 per annum. As soon as living accommodations are provided at the Park, deductions should be made for rent.

Qualifications of custodian and chief guide:

- a. Experience in park operation, maintenance, and public relations.
 - b. Knowledge of geology, cave phenomena, and handling of people underground.
 - c. Self initiative.
2. Operation of concession and securing necessary equipment.
 - a. Stickers, post cards, etc.
 - b. Counter, refrigerator unit, cupboards, stove, etc.
 3. Schedule for the operation of the cave during the 1941 season.
 - a. Notification of all interested agencies as to operation schedule.
 - b. Definite schedule and hours for trips to be designated from July to September (every half hour for instance).

4. Safety program.
 - a. First aid kits and emergency lights in cave.
 - b. Capacity of cave facilities to determine size of party.
 - c. Conduct of guides in handling parties.
 - d. Special arrangements for rush days.
5. Arrangements for upkeep and operation of improvements and facilities.
 - a. Maintenance of road.
 - b. Maintenance of picnic areas.
 - c. Providing water at head-house.
 - d. Equipping building at parking area which includes completion of latrines, providing toilet stalls, installation of electric fixtures, providing furnishings, concession room, guides quarters, and porch.
6. Selection of guides and condition of employment.
 - a. Qualifications.
 - b. Wages and other compensation.
 - c. Hours and duties.
 - d. Uniforms and other standard practices.

II. *Virginia City Historical Site*

A survey of historic Virginia City has been partially completed. Virginia City is one of the most important historical sites in Montana and the Commission feels that a complete study of the site should be made to determine its exact historical importance and the feasibility of creating a State historical park there. Lack of funds has prevented the completion of this work. Local citizens have shown their complete cooperation to the extent of agreeing to arrange for the donation of some of the necessary lands.

The status of this site is as follows: Individual Area Analysis (first draft) completed but additional study of area required.

III. *The Three Forks of the Missouri*

This site has been partially investigated to determine whether this area should be preserved by the State. Local citizens have already obtained options on a portion of the necessary lands and expect to present these lands to the State.

The following has been accomplished:

- a. Individual Area Analysis (first draft) complete.
- b. Area mapped and historical sketch completed.
- c. Master Plan, and work program outline partially complete.
- d. Arrangements complete whereby lands will be turned over to the State of Montana on condition it will be set aside as a State Park.

IV. *Gates of the Mountains*

A brief inspection of the Gates of the Mountains has been made, and the first draft of an individual Area Analysis has been prepared for the area.

V. *Thompson Lakes*

Preliminary studies have been made on preserving roadside strips of virgin timber in the vicinity of Thompson Lakes, on Highway No. 2, and the establishment of a park area with camping facilities along the lake

shores. There is available, also, the first draft of an individual Area Analysis covering the area.

Other Areas to Be Studied and Investigated:

Many other areas have been superficially investigated, and all possess recreational resources attractive to the tourist and Montana citizens alike.

Bad Lands	Piney Buttes
Beaver Creek	Fort Peck
Fort Benton	Roundup Peaks
Fort Owen	Medicine Rock

Missoula possesses an important but entirely neglected historic spot. It lies among the cottonwoods along the shores of the Missoula River, and here Governor Stevens of Montana Territory met the chieftains of the Indian tribes and signed a treaty with them, which guaranteed the Indians certain rights "as long as water ran down hill."

West of Miles City, on the Tongue River, is the site of the first camp of General Miles, while enroute to the aid of Custer.

The abandoned town of Bannock, the first capitol of Montana, home of Henry Plummer, sheriff outlaw and bandit, and the site of his trial and execution by the Vigilantes of Montana, is most worthy of preservation. And the citizens of adjoining towns report that a gold dredging company now operating there is imperilling the ancient buildings and very town-site itself.

Inventory of Historic and Recreational Resources Essential:

Of primary importance to the State Park work is a recreational inventory and report, as already stated. A man must be employed for this work who has full measure of technical qualifications in engineering, architecture or landscape architecture, as well as wide experience in park work. He should know something of the organization of Federal work agencies with whom the State Park Commission will be cooperating. Sufficient funds should be provided to allow a certain amount of travel for the officer conducting the survey, in order that areas can be visited and thoroughly investigated.

Since Federal work agencies demand that surveys and technical working plans for the development of individual areas be made by the State, it is necessary that technical personnel be employed for the purpose of making designs and drawing up job requests, estimates of costs for materials, skilled labor, etc.

It is obvious that this work should be coordinated in one office. The occasional employment of a stenographer for the preparation of reports will also be needed. This office should handle the details of administration as well as planning.

Receipts and Expenditures Since Morrison Cave State Park Was Opened to the Public:

Total Income from the cave from September 10, 1939	
to October 15, 1940	\$9,597.04

Expenditures for period September 10, 1939 to October 15, 1940:

Wages (Guides and skilled labor)	\$2,689.55	
Building Material	1,483.64	
Equipment	604.84	
Lighting (includes \$225 paid to Montana Power Co., as per agreement).....	734.23	
Printing	153.34	
Supplies	21.00	
Insurance	51.11	
Industrial Accident Board for period Sept. 10, 1939 to June 30, 1940.....	14.50	
Travel	20.91	5,774.02

Balance of Cash on hand October 15, 1940.....	\$3,823.02
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While the records show that there is a balance of cash on hand from the income of the cave of \$3,823.02, Montanans, Inc. has guaranteed a commitment of \$4,869.03 for the purchase and installation of the lighting system of the cave. The Attorney General of the State ruled that the materials for the system could be contracted for by the State, providing the firm furnishing the materials would accept the payment in part or in full from whatever funds were available from the income of the cave, and under this plan there would be no direct obligation on the part of the State. The agreement with the firm was that a settlement would be made to the extent of whatever funds were available on December 1, 1940. When this payment is made, it will mean that the entire balance now available will be exhausted. Any part of the \$4,869.03 expense unpaid on this date will be made from the income of the fiscal year 1942.

Under the circumstances, it is desirable and very essential that Morrison Cave be made independent of its income for operation through the next biennium. This will give an opportunity to ascertain its actual income, and to accumulate from this source a revolving fund for use in the development of the State Park Program.

Requests for State Appropriations

For administrative operations and maintenance of Morrison Cave State Park during the biennium fiscal years 1942 and 1943, inclusive as follows:

ADMINISTRATION—OPERATION	1942 Budget July 1, 1941 to June 30, 1942	1943 Budget July 1, 1942 to June 30, 1943
Salaries:		
1. Chief Guide	\$1,800.00	\$1,800.00
2. 4 Assistants for 4 months @ \$100.00 per month	1,600.00	1,600.00
3. Extra guides—rush period— Sundays and holidays— 20 days @ \$5.00 per day.....	300.00	300.00
4. Clerical help	200.00	200.00
Travel:		
5. 3 Commissioners—travel and subsistence	250.00	250.00
6. State Park Director	200.00	200.00
7. Operation 1 Pickup Truck	300.00	300.00
8. Electric Lights	450.00	450.00
9. Postage and Stationery	100.00	100.00
10. Printing	150.00	150.00
11. Industrial Accident Board	75.00	75.00

12. Telephone and Telegraph	50.00	50.00
13. Capital, Repairs and Replacements....	200.00	200.00
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Total Requests:	\$5,675.00	\$5,675.00

Explanation of Budget Covering the Operation of Morrison Cave State Park

1. The Chief Guide at Morrison Cave will also act in the capacity of Superintendent of the Park, and hence will be the State's administrative officer responsible for the Park's operation.
2. Four regularly employed guides to take visitors through the cave, for a period of four months, June 1 to September 30.
3. Three extra guides to take care of rush periods, Sundays and holidays—20 days at \$5.00 per day, \$300.00.
4. Clerical help at intervals to take care of correspondence, reports, and other similar work.
5. The law creating the Commission authorizes actual travelling expenses for attending official meetings, estimated to be from two to four per year.
6. Travel of State Park Director, estimated at \$200.00 per year, to cover attending meetings, inspecting Park operations and other field trips.
7. Operation of one pickup truck, used by chief guide for general purposes, transporting guides to cave and other uses.
8. Cost of electricity and for lighting within cave and at the head-house.
9. Items (9), (10) and (12) are self-explanatory.
11. The Industrial Accident Board requires a payment by this department of 2% of all wages paid for help in the operation of the Cave.
13. This item covers the cost of repairs to electrical installation, sanitary and water systems in picnic grounds and at head-house and also repairs to stairways in the Cave.

State Legislature Should Approve a Small Emergency Appropriation:

In addition, an emergency appropriation of \$10,000 should be made to cover the cost of materials, which may be designated as the State's share of the cost in cooperation with the National Park Service in the development of the State Park Program.

The condition under which emergency funds are appropriated should be that no part of it shall be expended unless advance approval is given by the State Board of Examiners.

	Fiscal Year 1942	Fiscal Year 1943	Total Biennium
Emergency Appropriation	\$5,000.00	\$5,000.00	\$10,000.00
Total Appropriation requests for administration and operation of Morrison Cave for bien- nium fiscal years 1942 and 1943	5,675.00	5,675.00	11,350.00
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Total Appropriation Requests:			\$21,350.00

Income From Morrison Cave Estimated For the Biennium Fiscal Years 1942 and 1943:

	Fiscal Year 1942	Fiscal Year 1943
Estimated expenditure of this fund as follows:		
Purchase of material—residence for head guide and Park superintendent.....	\$1,400.00	\$ 600.00
Payment of balance due on the electrical equipment in the cave and at the head-house	1,830.59	
Cost of oiling Park road—3½ miles		5,000.00
Recreational Study Engineer	2,600.00	
1 Standard Passenger Car	800.00	
Operation of Car	300.00	
Travel expenses of Engineer	400.00	
Proposed purchase of strips of virgin timber areas contiguous to Highway No. 2 between Kalispell and Libby. (This should be done now before it is too late.)	2,000.00	3,730.59
Total Expenditures.....	\$9,330.59	\$9,330.59

SOME FACTS AND SUGGESTIONS

The suggestions contained in this report, by no means, constitute a complete program for the State Park Commission. Many of the proposals, however, contained therein must be very definitely acted on by the State if the Park Program is going to progress and develop in the future in the interests of the people of Montana.

No progress can be made unless funds are available for land acquisition and for technical trained personnel in order that the State may share in the development of the State Park Program in cooperation with the National Park Service.

The services of a technically trained personnel must be employed by the State Park Commission to conduct the recreational study in order to make a constructive analysis of areas having potential recreational value for State parks, and to be amply qualified to prepare plans for proposed developments.

Every citizen in Montana has full confidence in the statistical data prepared by the Montana State Highway Commission showing, for instance, in 1939 that 317,500 automobiles from other states entered Montana, in which there were a total of 1,016,000 persons.

From data available, the Commission has estimated a total expenditure by these people of \$23,368,000 during the time spent in Montana.

This is indeed a gigantic business which adds much to the prosperity of this State. It does not appear necessary, under the circumstances, that any argument is necessary to convince the average citizen of this State that everything possible should be done to carry out a plan of development of our historic and recreational resources, in order to give added attraction, individual service, and stimulate interest among people coming into our State in regard to the unusual number of natural outstanding features with which the State is endowed.

The small appropriation request of the State Legislature by the Commission is indeed conservative for making a start in this program, compared with the tremendous returns in dollars and cents now being received by the people of this State.

COMMISSION EXTENDS THANKS TO ONE AND ALL

The Montana State Park Commission would like to express to Montanans, Inc., and the Chamber of Commerce of Butte, its appreciation of its fine support in helping to secure and install the electric lighting plant in Morrison Cave and at the head-house. This development has increased the visibility to a point where visitors enjoy the Cave to the fullest extent,

The Commission would also like to thank the Chambers of Commerce of Three Forks, Virginia City, Bozeman, Whitehall, Helena, Dillon, and others for their interest and support of the State Park program.

Our thanks are also extended to the press, and particularly the Montana Standard at Butte, for the very fine cooperation in giving full publicity to Morrison Cave and the State Park program generally.

The Commission appreciates to the fullest extent the interest and helpful cooperation of the members of the technical personnel of the National Park Service. Several members of the Regional Office Staff have made trips to Montana each year in the interests of the Park program, and their advice and guidance have always proved very beneficial to the State.

